



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # AF 1884

DATE SCANNED 11-27-09

SCANNER NO. 1

SCAN OPERATOR Jms

29092643537



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

10/28/08
October 28, 2008

MEMORANDUM

SENSITIVE

29092643538

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *JFS*
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON *JH*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *NUI* *RM*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
FAILURE TO FILE 48-HOUR NOTICES UNDER THE
ADMINISTRATIVE FINE PROGRAM

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Louisiana 12 Day Pre-Special Primary Election Report up to 48 hours before the March 8, 2008 Special Primary Election in accordance with 2 U.S.C. § 434(a)(6) and 11 C.F.R. § 104.5(f). The committee, DeCuir for Congress, represents a candidate who lost the Special Primary Election in Louisiana's 6th Congressional District. The committee failed to file 48-hour notices for contributions totaling \$62,500.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per, 11 C.F.R § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 C.F.R §111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

1. Find reason to believe that DeCuir for Congress and Winston G. DeCuir, Sr., Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$6,580.00 be assessed.
2. Send the appropriate letter.

Attachment

29092643539

AF#	Committee ID	Committee Name	State	Candidate Name	Treasurer	Prev Violations	Days Late	Notices Not Filed	LOA	Penalty
1884	C00444984	DECUIR FOR CONGRESS	LA	DECUIR, JASON MAURICE	WINSTON G. DECUIR, SR.	0	Not Filed	3	\$62,500	\$6,580

Contributions for Which a 48-Hour Notice Was Not Received

AF 1884

Committee ID: C00444984

Committee Name: DeCuir for Congress

Report Type: April Quarterly Report (2/18/2008 – 3/31/2008)

48-Hour Reporting Period: 2/18/2008 – 3/05/2008

CONTRIBUTOR	DATE	AMOUNT
DeCuir for Congress	2/21/2008	\$60,000
Washauer, Mark B.	2/27/2008	\$1,500
Mosely, Russell L.	2/28/2008	\$1,000
Total		\$62,500

Proposed Civil Money Penalty: \$6,580.00 ((3 Notices Not Filed at \$110 each) + (10% of Overall Contributions Not Filed))

29092643541

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason to Believe Recommendation -) AF 1884
Failure to file 48-Hour Notices Under)
The Administrative Fine Program:)
DeCuir for Congress and Winston G.)
DeCuir, Sr., Treasurer)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on October 30, 2008, the Commission decided by a vote of 4-0 to take
the following actions in AF 1884:

1. Find reason to believe that DeCuir for Congress and Winston G. DeCuir, Sr., Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$6,580.00 be assessed.
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, Walther and Weintraub voted
affirmatively for the decision. Commissioners McGahn II and Petersen did not
vote.

Attest:

October 31, 2008
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

29092643542



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 3, 2008

Winston G. Decuir, Sr.
DeCuir for Congress
P.O. Box 3095
Baton Rouge, LA 70821

C00444984
AF#: 1884

Dear Winston G. Decuir, Sr.:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a). Records at the FEC indicate that you did not submit 48-Hour Notices for contributions of \$1,000 or more, received between 2/18/2008 and 3/5/2008, totaling \$62,500. See Attachment 1.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On 10/30/2008, the FEC found that there is Reason to Believe ("RTB") that DeCuir for Congress and you, as treasurer, violated 2 U.S.C. § 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 C.F.R. § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$6,580. Send your payment by 12/9/2008. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation.

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 12/9/2008. Your written response must include the reason(s) why you are challenging the RTB

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finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. **Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly.** Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.35.

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that DeCuir for Congress and you, as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "DFM II", written in a cursive style.

Donald F. McGahn II
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the amount of your civil money penalty calculated at RTB is \$6,580 for the 2008 Primary Election 48-Hour Notification Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by 12/9/2008. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: DeCuir for Congress

FEC ID#: C00444984

AF#: 1884

PAYMENT DUE DATE: 12/9/2008

PAYMENT AMOUNT DUE: \$6,580

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Contributions for Which a 48-Hour Notice Was Not Received

AF 1884

Committee ID: C00444984

Committee Name: DeCuir for Congress

Report Type: April Quarterly Report (2/18/2008 – 3/31/2008)

48-Hour Reporting Period: 2/18/2008 – 3/05/2008

CONTRIBUTOR	DATE	AMOUNT
DeCuir for Congress	2/21/2008	\$60,000
Washauer, Mark B.	2/27/2008	\$1,500
Mosely, Russell L.	2/28/2008	\$1,000
Total		\$62,500

Proposed Civil Money Penalty: \$6,580.00 ((3 Notices Not Filed at \$110 each) + (10% of Overall Contributions Not Filed))

2008 DEC 10 A 11:37

WINSTON G. DECUIR, SR.

DeCuir for Congress
Post Office Box 3095
BATON ROUGE, LOUISIANA 70821

December 9, 2008

Mr. Donald F. McGahn, II
Federal Election Commission
Office of Administrative Review
999 E. Street, N.W.
Washington, D.C. 20463

RE: ID # C00444984
AF # 1884

Dear Mr. McGahn,

This letter is to appeal or challenge the finding and calculation of civil penalty for failing to file appropriate notification with the FEC.

I received your notification in mid August, 2008, which requested our campaign response to certain preliminary review information requested by the FEC. Shortly after receiving the notification and prior to the time our campaign was able to gather the requested information and respond, our city, the City of Baton Rouge Louisiana, took a direct hit from Hurricane Gustav. The hurricane center/eye passed over the City of Baton Rouge inflicting the greatest damage upon the property and citizens of this area in recent memory. Communication lines, electricity and other essentials were out or discontinued in our city for several weeks. Many properties, including the property which was the headquarters for the DeCuir for Congress campaign was damaged by a falling tree, which penetrated the roof of the structure causing it to be totally uninhabitable and unusable through November of 2008. In addition, the lives of the residents were greatly disturbed or upset. Many evacuated Baton Rouge and communication and normal life was non existent. The greatest concern of the residents, and attention including myself was that of recovery in order that our lives and business could return somewhat to normal.

This total interruption of a normal life cycle prevented us from being able to gather the data and make the appropriate reports timely. We are now in the process of recovery and ask that

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Page 2
December 9, 2008
Federal Election Commission

our civil fine or penalty not be imposed or be modified or reduced to reflect the unforeseen circumstance which prevented us from timely filing the requested information. That information is currently being gathered and submitted as requested.

Yours truly,

A handwritten signature in black ink, appearing to read 'Winston G. Decuir, Sr.', with a long horizontal stroke extending to the right.

WINSTON G. DECUIR, SR.

WGDsr/swb

29092643549



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

December 15, 2008

Winston G. DeCuir, Sr., as Treasurer
DeCuir for Congress
P.O. Box 3095
Baton Rouge, LA 70821

C00444984
AF# 1884

Dear Mr. DeCuir:

On December 10, 2008, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, reading "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

29092643550

2008 DEC 16 P 2: 05

Date: December 16, 2008

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 1884

Committee Name: DeCuir for Congress

Committee ID#: C00444984

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

Copy of RTB Circulation Report, dated October 28, 2008 and RTB
Certification, dated October 31, 2008: Y

Attachment #: 1

Certified Return Receipt (to be forwarded at later date if not yet received)(Y/N): Y

Attachment #: 2

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-RFAI Letter, dated August 12, 2008.

-RTB Letter, dated November 3, 2008.

Attachment #: 4

Other RAD Information: (Y/N): Y – Memo to File, Fax Transmittal

Attachment#: 5

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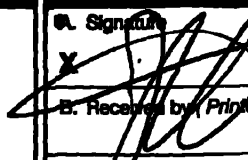
SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Winston E. DeCuir Sr
DeCuir for Congress
PO Box 3095
Baton Rouge, LA 70821

2. Article Number
(Transfer from service label) 7001 0360 0003 1651 9859

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery
11/12/08

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

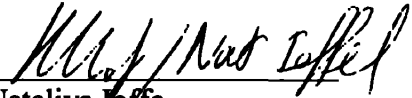
3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

290926435

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to DeCuir for Congress:
 - A) RFAI Letter, dated August 12, 2008, referencing missing 48-Hour Notices;
 - B) Reason-to-Believe Letter, dated November 3, 2008, referencing missing 48-Hour Notices.
3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 16th day of December, 2008.


Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

29092643553



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 12, 2008

Winston G. DeCuir, Sr., Treasurer
DeCuir for Congress
P.O. Box 3095
Baton Rouge, LA 70821

Response Due Date:
September 12, 2008

Identification Number: C00444984

Reference: April Quarterly Report (2/18/08 - 3/31/08)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 7 items:

1. Column B figures for the Summary and Detailed Summary Page information should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for Line(s) 7(a), 7(c), 17 and 22 and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals. (2 U.S.C. § 434(b))

2. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12-Day Pre-Special Election report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of \$1,000 or more was incorrectly

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reported, you must amend your original report with the clarifying information. (11 CFR § 104.5(f))

3. Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in an election cycle. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (initials are not acceptable), complete mailing address, occupation and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a request via mail, e-mail or telephone documented in writing. (11 CFR § 104.7(b)(2)) Follow-up requests should be done, if necessary. These requests must be documented clearly in the form of written records. The requests must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next

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regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information and a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide for Congressional Committees and Candidates.

4. On Schedule B of your report, you have itemized disbursements for which you have failed to include the complete address. Please amend your report to include the missing information. (11 CFR § 104.3(b)(4))

5. Commission Regulations define the term "purpose" to mean a brief statement or description of why a disbursement was made. Examples are "dinner expense," "media," "salary," "polling," "travel," "party fees," "phone banks," "travel expenses," "travel expense reimbursement," and "catering costs." Examples of election day and voter registration activity include "exit polling," "door-to-door get out the vote," "get out the vote phone calls," and "driving voters to the polls." Unacceptable descriptions, which require additional clarification, include but are not limited to "advance," "consulting," "political consulting," "commission," "contract labor," "retainer," "election day expense," "expenses," "invoice," "support," "expense reimbursement," "miscellaneous," "professional services," "get-out-the-vote," "voter registration." (11 CFR § 104.3(b)(4)(A))

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register can be found at http://www.fec.gov/law/policy/purposeofdisbursement/inadequate_purpose_list_3507.pdf. Please amend Schedule B of your report to correct the descriptions that do not meet the requirements of the Regulations.

6. Schedule B of your report discloses reimbursements to individuals for expenses other than travel and subsistence. Please be advised that when itemizing reimbursements to individuals for goods or services, if the payment to the original vendor aggregates in excess of \$200 in an election cycle, a memo entry including the name and address of the original vendor, as well as the date, amount and purpose of the original purchase must be provided. If itemization is not necessary, you must indicate so in an amendment to this report. Please correct your report to include the missing information. (11 CFR §§ 104.3(b)(4)(i) and 104.9, and Advisory Opinions 1992-1 and 1996-20)

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7. When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used personal funds or borrowed the money from a lending institution or some other source. Please amend your report to indicate whether the loan is from the candidate's personal funds or if he/she obtained the loan from a bank loan, brokerage account, credit card, home equity line of credit or other line of credit.


If the candidate loan was obtained from a lending institution, you must also file a Schedule C-1 with the Commission providing the name of the lending institution and the complete terms of the loan between the candidate and the lending institution. Schedule C-1 can be downloaded from the FEC website at <http://www.fec.gov>, or requested through the FEC Faxline at (202) 501-3413. Electronic filers must submit the Schedule C-1 electronically.

If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report. It is important to note that "personal funds" is strictly defined by Commission Regulations. See 11 CFR §110.10. (11 CFR §§ 100.52(a), 100.52(b), 104.3(d) and 104.18(h))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1161.

Sincerely,



Christopher A. Whyrick
Senior Campaign Finance Analyst
Reports Analysis Division

Missing 48-hour notices
 DeCuir for Congress (C00444984)
 April Quarterly Report (2/18/08 - 3/31/08)
 Special Election
 48-hour notice period (2/18/08 - 3/5/08)

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
DeCuir for Congress		2/21/2008	\$60,000.00	P2008
Washauer	Mark B.	2/27/2008	\$1,500.00	P2008
Mosely	Russell L.	2/28/2008	\$1,000.00	P2008

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 MAR 16 P 1:03

March 16, 2009

MEMORANDUM

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Wertz
Reviewing Officer
Office of Administrative Review

By: Jill Sugarman
Reviewing Analyst

Subject: AF# 1884 – DeCuir for Congress and Winston G. DeCuir, Sr.. as
Treasurer (C00444984)

SENSITIVE

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 16, 2009

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 1884 – DeCuir for Congress and Winston G. DeCuir, Sr., as Treasurer (C00444984)

On October 30, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that DeCuir for Congress and Winston G. DeCuir, Sr., as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for 2 contributions and 1 loan totaling \$62,500 for the 2008 Louisiana Special Primary Election and made a preliminary determination that the civil money penalty was \$6,580 based on the schedule of penalties at 11 C.F.R. § 111.44. They were notified by the Reports Analysis Division ("RAD") on November 3, 2008 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On December 10, 2008, the Commission received the written response ("challenge") from the Treasurer who states that they received the Commission's notification requesting information in mid August. Before they could prepare a response, the City of Baton Rouge, where their headquarters is located, took a direct hit from Hurricane Gustav. Communication lines, electricity and other necessities were out of service for several weeks. Their headquarters was damaged by a falling tree and was uninhabitable and unusable through November 2008. The effects of the storm prevented them from timely filing the requested information. He asks that the fine be waived or reduced due to these unforeseen circumstances. They are now in the process of recovery and are currently gathering the requested information.

Analysis

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20th day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). The respondents' written response must detail the factual basis supporting its challenge and include supporting documentation. 11 C.F.R. § 111.35(e).

According to the September 2 Press Release from the Federal Emergency Management Agency ("FEMA"), Hurricane Gustav hit Louisiana on September 1, 2008. This was six months after the 48-Hour Notices were required to be filed for the candidate loan received on February 21 and the contributions received on February 27 and 28, 2008. The Reviewing Officer acknowledges the hardships they faced because of Hurricane Gustav and recognize it may have hindered their ability to respond to RAD's Request for Additional Information ("RFAI") dated

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August 12, 2008. Nonetheless, Hurricane Gustav had no bearing on their ability to timely file the 48-Hour Notices which were due in late February and early March.

RAD's RFAI, which references the April Quarterly Report and questions the missing 48-Hour Notices, had a response due date of September 12, 2008. The RAD telecoms (written records of telephone conversations) show that the Analyst left messages for the Treasurer regarding the RFAI, and specifically the missing notices, on September 25 and October 3. There is no indication that he responded to these messages or submitted a response to the RFAI. On December 9, the Treasurer told another Analyst that he is working with the accountant to answer the RFAI. Commission records, however, show that they have not yet responded to the RFAI nor did they provide any evidence in their challenge that the missing 48-Hour Notices were filed or were not required to be filed. The Reviewing Analyst also called the Treasurer and asked if they found the information they said they were still gathering when they submitted the challenge. As of this date, they have not provided any further information.

Their challenge fails to address any of the three valid excuses at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,580.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1884 involving DeCuir for Congress and Winston G. DeCuir, Sr., as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1884 that DeCuir for Congress and Winston G. DeCuir Sr., as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,580; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – Declaration from RAD

Attachment 3 – FEMA Press Release dated September 2, 2008 and
titled "President Declares Major Disaster for Louisiana"

Attachment 4 – Declaration from OAR

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Attachment # 3
1 Page

President Declares Major Disaster For Louisiana

Release Date: September 2, 2008

Release Number: HQ-08-182

» More Information on Louisiana Hurricane Gustav

» 2008 Region VI News Releases

WASHINGTON, D.C. -- The head of the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) today announced that federal disaster aid has been made available for the state of Louisiana to help people and communities recover from the effects of Hurricane Gustav on September 1, 2008, and continuing.

FEMA Administrator David Paulison said the assistance was authorized under a major disaster declaration issued for the state by President Bush. The President's action makes federal funding available to affected individuals in the parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, Terrebonne, Vermilion, Vernon, West Baton Rouge, and West Feliciana.

The assistance, to be coordinated by FEMA, can include grants to help pay for temporary housing, home repairs and other serious disaster-related expenses. Low-interest loans from the U.S. Small Business Administration also will be available to cover residential and business losses not fully compensated by insurance.

Federal funding also is available to state and eligible local governments and certain private nonprofit organization on a cost-sharing basis for in the parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, Terrebonne, Vermilion, Vernon, West Baton Rouge, and West Feliciana for debris removal.

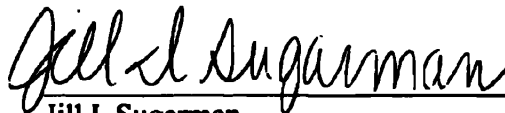
Paulison named Michael J. Hall as the Federal Coordinating Officer for federal recovery operations in the affected area. Hall said that damage surveys are continuing in other areas, and more counties and additional forms of assistance may be designated after the assessments are complete.

The Agency said that residents and business owners who sustained losses in the designated counties can begin applying for assistance tomorrow by registering online at <http://www.fema.gov> or by calling 1-800-621-FEMA(3362) or 1-800-462-7585 (TTY) for the hearing and speech impaired. The toll-free telephone numbers will operate from 8 a.m. to 6 p.m. (local time) Monday through Sunday until further notice.

FEMA coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror.

DECLARATION OF JILL I. SUGARMAN

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The principal campaign committee of a congressional candidate must file notifications disclosing contributions of \$1,000 or more which are received between February 18 and March 5, 2008. These notifications (also called 48-Hour Notices) must be filed with the Federal Election Commission within 48 hours of the committee's receipt of the contribution(s).
3. It is the practice of the Commission's Information Division to place reporting notices on the Commission's web site for public access at http://www.fec.gov/info/report_dates.shtml#quarterly.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of Page 1 of the Summary Page, 3 pages of Schedule A, and 1 page of Schedule C for the 2008 April Quarterly Report filed by DeCuir for Congress and Winston G. DeCuir, Sr., as Treasurer. According to the Commission's records, the report covers the period from February 18 through March 31, 2008, and was received on April 15, 2008. Schedule A lists the receipt of 2 contributions and 1 loan totaling \$62,500 on February 21, 27 and 28, 2008. Each contribution and loan equals \$1,000 or more.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 16th of March, 2009.



Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

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SPECIAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

LOUISIANA SPECIAL ELECTION
6th Congressional District

February 1, 2008

COMMITTEES INVOLVED IN THE SPECIAL PRIMARY (03/08/08) MUST FILE:

REPORT	REPORTING PERIOD ¹	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	01/01/08 - 02/17/08	02/22/08	02/25/08
48 Hour Notices	02/18/08 - 03/05/08	---see p. 4 of notice---	
April Quarterly	02/18/08 - 03/31/08	04/15/08	04/15/08

IF ONLY TWO ELECTIONS ARE HELD, COMMITTEES INVOLVED IN BOTH THE SPECIAL PRIMARY (03/08/08) AND SPECIAL GENERAL (04/05/08)² MUST FILE:

REPORT	REPORTING PERIOD ¹	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	01/01/08 - 02/17/08	02/22/08	02/25/08
48 Hour Notices	02/18/08 - 03/05/08	---see p. 4 of notice---	
Pre-General	02/18/08 - 03/16/08	03/21/08	03/24/08
48 Hour Notices	03/17/08 - 04/02/08	---see p. 4 of notice---	
April Quarterly	03/17/08 - 03/31/08	04/15/08	04/15/08
Post-General	04/01/08 - 04/25/08	05/05/08	05/05/08
July Quarterly	04/26/08 - 06/30/08	07/15/08	07/15/08

Supplemental Filing Information is available on pages 3 and 4 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²If a Special Runoff Election is necessary, it will be held April 5, 2008, and the Special General Election will be held on May 3, 2008.

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IF THREE ELECTIONS ARE HELD, COMMITTEES INVOLVED IN ONLY THE SPECIAL PRIMARY (03/08/08) AND SPECIAL RUNOFF (04/05/08) MUST FILE:

REPORT	REPORTING PERIOD	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	01/01/08 - 02/17/08	02/22/08	02/25/08
48 Hour Notices	02/18/08 - 03/05/08	---see p. 4 of notice---	
Pre-Runoff	02/18/08 - 03/16/08	03/21/08	03/24/08
48 Hour Notices	03/17/08 - 04/02/08	---see p. 4 of notice---	
April Quarterly	03/17/08 - 03/31/08	04/15/08	04/15/08

COMMITTEES INVOLVED IN THE SPECIAL PRIMARY (03/08/08), SPECIAL RUNOFF (04/05/08) AND SPECIAL GENERAL (05/03/08) MUST FILE:

REPORT	REPORTING PERIOD	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	01/01/08 - 02/17/08	02/22/08	02/25/08
48 Hour Notices	02/18/08 - 03/05/08	---see p. 4 of notice---	
Pre-Runoff	02/18/08 - 03/16/08	03/21/08	03/24/08
48 Hour Notices	03/17/08 - 04/02/08	---see p. 4 of notice---	
April Quarterly	---- WAIVED ----		
Pre-General	03/17/08 - 04/13/08	04/18/08	04/21/08
48 Hour Notices	04/14/08 - 04/30/08	---see p. 4 of notice---	
Post-General	04/14/08 - 05/23/08	06/02/08	06/02/08
July Quarterly	05/24/08 - 06/30/08	07/15/08	07/15/08

Supplemental Filing Information is available on pages 3 and 4 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

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SUPPLEMENTAL FILING INFORMATION

WHO MUST FILE

Principal campaign committees of congressional candidates³ (including unopposed candidates and candidates whose names do not appear on the ballot) who seek nomination in the special election must file the above reports and notices.⁴ Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at www.fec.gov/electfil/electron.shtml.

Under the Commission's mandatory electronic filing regulations, U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports and statements with the FEC electronically. Other U.S. House committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules.

Registered & Certified Mail

Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

Overnight Mail

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

Other Means of Filing

Reports filed by any other means—including first class mail and courier—must be received by the Commission before the close of business on the last business day before the filing deadline.

Paper forms are available at the FEC website at www.fec.gov/info/forms.shtml.

³Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

⁴If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

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48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically MUST submit their 48-hour notices electronically. For more information, visit the FEC web site at www.fec.gov/electfil/online.shtml. U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. Paper forms are available at the website at www.fec.gov/info/forms.shtml.

NOTE FOR FILING POST-ELECTION REPORT

The reporting period for the Post-General Election Report spans two election cycles. For this report only, committees should instead use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8) instead of the normal Detailed Summary Page.

COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at www.fec.gov/law/policy/2004/notice2004-20.pdf.

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).³ For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC. This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail service, and hand delivery.

³Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

DECUIR FOR CONGRESS

ADDRESS (number and street)

PO BOX 3095

Check if different
than previously
reported. (ACC)

BATON ROUGE

LA

70821

2. FEC IDENTIFICATION NUMBER

C00444984

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

LA

06

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

X April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

02

18

2008

through

03

31

2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Winston G. DeCuir

Signature of Treasurer

Electronically Filed by Winston G. DeCuir

Date

04

15

2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

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**SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS**Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 14 / 31

(check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14 <input type="checkbox"/> 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

DECUIR FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

Layne Garlington Mire

Mailing Address 4010 Emily Drive

City

Port Allen

State

LA

Zip Code

70767

FEC ID number of contributing
federal political committee.

C

Name of Employer
Obtaining

Occupation

Obtaining

Receipt For: 2008

Election Cycle-to-Date ▼

X Primary General

Other (specify) ▼

2300.00

Date of Receipt

M M / D D / Y Y Y Y
0 2 / 2 7 / 2 0 0 8

Transaction ID: SA11AI.4148

Amount of Each Receipt this Period

2300.00

Contribution

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(i)/441a-1)

B.

Full Name (Last, First, Middle Initial)

Russell L. Mosely

Mailing Address 4316 Claycut Road

City

Baton Rouge

State

LA

Zip Code

70806

FEC ID number of contributing
federal political committee.

C

Name of Employer
Self

Occupation

Attorney

Receipt For: 2008

Election Cycle-to-Date ▼

X Primary General

Other (specify) ▼

1000.00

Date of Receipt

M M / D D / Y Y Y Y
0 2 / 2 8 / 2 0 0 8

Transaction ID: SA11AI.4380

Amount of Each Receipt this Period

1000.00

Contribution

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(i)/441a-1)

C.

Full Name (Last, First, Middle Initial)

Susan E. Nelson

Mailing Address 12212 Astolat Avenue

City

Baton Rouge

State

LA

Zip Code

70816

FEC ID number of contributing
federal political committee.

C

Name of Employer

Occupation

Receipt For: 2008

Election Cycle-to-Date ▼

X Primary General

Other (specify) ▼

250.00

Date of Receipt

M M / D D / Y Y Y Y
0 3 / 0 4 / 2 0 0 8

Transaction ID: SA11AI.4362

Amount of Each Receipt this Period

250.00

Contribution

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(i)/441a-1)

SUBTOTAL of Receipts This Page (optional) ▶

3550.00

TOTAL This Period (last page this line number only) ▶

29092643569

js

**SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS**Use separate schedule(s)
for each category of the
Detailed Summary PageFOR LINE NUMBER: PAGE 19 / 31
(check only one)
☒ 11a ☐ 11b ☐ 11c ☐ 11d
☐ 12 ☐ 13a ☐ 13b ☐ 14 ☐ 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

DECUIR FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

Chad Brosset

Mailing Address P.O. Box 87059

City

Baton Rouge

State

LA

Zip Code

70879

FEC ID number of contributing
federal political committee.

C

Name of Employer
SW Real Properties LLCOccupation
Real Estate

Receipt For: 2008

☒ Primary ☐ General

Other (specify) ▼

Election Cycle-to-Date ▼

500.00

Date of Receipt

M M / D D / Y Y Y Y
0 2 / 2 8 / 2 0 0 8

Transaction ID: SA11AI.4386.0

Amount of Each Receipt this Period

500.00

Contribution

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(i)/441a-1)
[MEMO ITEM]

B.

Full Name (Last, First, Middle Initial)

Suzanne L. Turner

Mailing Address 630 Louisiana Ave.

City

Baton Rouge

State

LA

Zip Code

70802

FEC ID number of contributing
federal political committee.

C

Name of Employer
SelfOccupation
Investor

Receipt For: 2008

☒ Primary ☐ General

Other (specify) ▼

Election Cycle-to-Date ▼

250.00

Date of Receipt

M M / D D / Y Y Y Y
0 3 / 0 4 / 2 0 0 8

Transaction ID: SA11AI.4358

Amount of Each Receipt this Period

250.00

Contribution

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(i)/441a-1)

C.

Full Name (Last, First, Middle Initial)

Mark B. Washauer

Mailing Address 1650 Cameron Street

City

Baton Rouge

State

LA

Zip Code

70806

FEC ID number of contributing
federal political committee.

C

Name of Employer
SelfOccupation
Contractor

Receipt For: 2008

☒ Primary ☐ General

Other (specify) ▼

Election Cycle-to-Date ▼

1500.00

Date of Receipt

M M / D D / Y Y Y Y
0 2 / 2 7 / 2 0 0 8

Transaction ID: SA11AI.4146

Amount of Each Receipt this Period

1500.00

Contribution

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(i)/441a-1)

SUBTOTAL of Receipts This Page (optional) ▶

1750.00

TOTAL This Period (last page this line number only) ▶

29092643570

JG

**SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS**Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 21 / 31

(check only one)

<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input type="checkbox"/> 12	<input checked="" type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14 <input type="checkbox"/> 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

DECUIR FOR CONGRESS

A.

Full Name (Last, First, Middle Initial)

Jason DeCuir

Mailing Address PO BOX 3095

City

Baton Rouge

State

LA

Zip Code

70821

FEC ID number of contributing
federal political committee.

C

Name of Employer
Self Employed

Occupation

Attorney

Receipt For: 2008

X Primary General

Other (specify) ▼

Election Cycle-to-Date ▼

30000.00

Date of Receipt

M	M	D	D	V	V	V	V
0	2			2	7		2008

Transaction ID: SA13A.4153

Amount of Each Receipt this Period

30000.00

Loan

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(i)/441a-1)

B.

Full Name (Last, First, Middle Initial)

DECUIR FOR CONGRESS

Mailing Address PO BOX 3095

City

BATON ROUGE

State

LA

Zip Code

70821

FEC ID number of contributing
federal political committee.

C C00444984

Name of Employer

Occupation

Receipt For: 2008

X Primary General

Other (specify) ▼

Election Cycle-to-Date ▼

60000.00

Date of Receipt

M	M	D	D	V	V	V	V
0	2			2	1		2008

Transaction ID: SA13A.4429

Amount of Each Receipt this Period

60000.00

Loan

Limit Increased Due to Opponent's
Spending (2 U.S.C. 441a(i)/441a-1)

SUBTOTAL of Receipts This Page (optional) ▶

90000.00

TOTAL This Period (last page this line number only) ▶

90000.00

29092643571

Ja

SCHEDULE C (FEC Form 3)**LOANS**Use separate schedule(s)
for each category of the
Detailed Summary Page

PAGE 31 / 31

FOR LINE NUMBER
(check only one)☒ 13a
☐ 13b

NAME OF COMMITTEE (In Full)

DECUIR FOR CONGRESS

Transaction ID: SC/10.4429

LOAN SOURCE Full Name (Last, First, Middle Initial)

DECUIR FOR CONGRESS - Personal funds

Election:

☒ Primary☐ General☐ Other (specify) ▼

Mailing Address PO BOX 3095

City BATON ROUGE

State LA

ZIP Code 70821

Original Amount of Loan

Cumulative Payment To Date

Balance Outstanding at Close of This Period

60000.00

0.00

60000.00

TERMS

Date Incurred

Date Due

Interest Rate

Secured:

M 02

D 21

Y 2008

On Demand

0

% (apr)

Yes

☒ No

List All Endorsers or Guarantors (if any) to Loan Source

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

Full Name (Last, First, Middle Initial)

Name of Employer

Mailing Address

Occupation

City

State

ZIP Code

Amount
Guaranteed
Outstanding:

SUBTOTALS This Period This Page (optional)

60000.00

TOTALS This Period (last page in this line only)

90000.00

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

29092643572



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 17, 2009

Winston G. DeCuir, Sr., as Treasurer
DeCuir for Congress
P.O. Box 3095
Baton Rouge, LA 70821

C00444984
AF# 1884

Dear Mr. DeCuir:

On October 30, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that DeCuir for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for 2 contributions and 1 loan totaling \$62,500 for the 2008 Louisiana Special Primary Election. The Commission also made a preliminary determination that the civil money penalty was \$6,580 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

29092643573



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2009 APR 14 P 4: 01

April 14, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Wert
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1884 – DeCuir for Congress and Winston G. DeCuir, Sr., as Treasurer (C00444984)

On October 30, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for 2 contributions and 1 loan of \$1,000 or more received between February 18 and March 5, 2008 totaling \$62,500. The Commission also made a preliminary determination that the civil money penalty was \$6,580 based on the schedule of penalties at 11 C.F.R. § 111.44.

On December 10, 2008, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated March 16, 2009 was forwarded to the Commission, a copy was sent to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$6,580 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file the 48-Hour Notices on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not

raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1884 involving DeCuir for Congress and Winston G. DeCuir, Sr., as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1884 that DeCuir for Congress and Winston G. DeCuir Sr., as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,580; and
- (3) Send the appropriate letter.

29092643575

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1884
DeCuir for Congress and Winston G.)
DeCuir, Sr., as Treasurer (C00444984))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on April 23, 2009, the Commission decided by a vote of 5-0 to take the
following actions in AF 1884:

1. Adopt the Reviewing Officer recommendation for AF 1884 involving DeCuir for Congress and Winston G. DeCuir, Sr., as Treasurer, in making a final determination.
2. Make a final determination in AF 1884 that DeCuir for Congress and Winston G. DeCuir, Sr., as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,580.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, and Weintraub
voted affirmatively for the decision. Commissioner Walther did not vote.

Attest:

April 23, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

29092643576



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 7, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Winston G. DeCuir, Sr., as Treasurer
DeCuir for Congress
P.O. Box 3095
Baton Rouge, LA 70821

C00444984
AF#1884

Dear Mr. Decuir:

On October 30, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that DeCuir for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for 2 contributions and 1 loan of \$1,000 or more received between February 18 and March 5, 2008 totaling \$62,500. By letter dated November 3, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$6,580 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On December 10, 2008, the Office of Administrative Review received the written response from you challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that DeCuir for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$6,580 in accordance with 11 C.F.R. § 111.44. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 17, 2009.

On April 23, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that DeCuir for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$6,580. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

To Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

If You Do Not Pay the Civil Money Penalty

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Jill Sugarman on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the civil money penalty is \$6,580 for the 2008 48-Hour Notification Reports.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: DeCuir for Congress

FEC ID#: C00444984

AF#: 1884

PAYMENT AMOUNT DUE: \$6,580

29092643579

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 000658000 BA# 1 11-06-09 20 4



29092643580

usbancorp.
The New Business Connection

OFFICIAL CHECK	
Hancock Bank. OF LOUISIANA	MAILED BY: HANCOCK BANK OF LOUISIANA, INC., P.O. BOX 100, BIRMINGHAM, AL 35202 DIVISION: HANCOCK BANK, B.A., BIRMINGHAM, AL
November 03, 2009	
PAY TO THE ORDER OF ***FEDERAL ELECTION COMMISSION***	\$6,580.00
Six Thousand Five Hundred Eighty Dollars and 00/100	
JASON DECUR APR 1984 MEMBER	DRAWN: HANCOCK BANK OF LOUISIANA BY: <i>[Signature]</i> AUTHORIZED SIGNATURE
ADDRESS: [REDACTED]	